

The Service notes that the majority of information reviewed supported many of the petitioner's contentions concerning the decline of and threats to the swift fox within the northern portion of its historical range. This information also indicated that many of the petitioner's contentions appear valid throughout the remainder of the species' range.

The petitioner provided substantial information that listing of the swift fox may be warranted in the northern portion of its range but did not provide substantial information on the species' status in the southern portion of its range. The Service found that additional information existed to indicate that listing of the swift fox throughout its range may be warranted.

Therefore, after reviewing the petition, accompanying documentation, references cited, and the best scientific and commercial data available, the Service finds that the requested action may be warranted throughout the swift fox's historical range. Through issuance of this notice of the 90-day finding, the Service is continuing a status review of the swift fox and solicits additional information on the species. The Service will prepare a 12-month finding to determine if the petitioned action is warranted as required by section 4(b)(3)(B) of the Endangered Species Act.

#### References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Service's, Pierre Field Office (see ADDRESSES above).

#### Author

This notice was prepared by Daniel Eklund (see ADDRESSES above).

#### Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Dated: May 23, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 94-13283 Filed 5-31-94; 8:45 am]

BULLETIN CODE 4310-65-M

#### 50 CFR Part 17

97-94

#### Endangered and Threatened Wildlife and Plants; 90-Day Finding on a Petition to Delist the Lahontan Cutthroat Trout (*Oncorhynchus clarki henshawi*) Within the Humboldt River Drainage Basin in Nevada

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a petition to delist the Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*) within the Humboldt River drainage basin of Nevada. The Service finds that the petition and a subsequent supporting letter pursuant to section 4 of the Endangered Species Act did not present substantial information indicating that the requested action may be warranted.

**DATES:** The finding announced in this document was made on May 24, 1994.

**ADDRESSES:** Data, information, comments, or questions concerning this petition should be submitted to the Reno Field Office, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C-125, Reno, Nevada 89502. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** David L. Harlow, Field Supervisor, at the above address (telephone 702/784-5227).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the Federal Register.

On April 12, 1993, the Service received a petition dated April 8, 1993, to delist the threatened Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*) within the Humboldt River drainage basin of Nevada. The petition

was received from Mr. Gene Gustin, Chairman of the Elko County Federal Land Use Planning Commission, Elko, Nevada. The petition clearly identified itself as a petition, and contained the name, signature, and address of the petitioner. A supporting letter was received from Mr. Lee Chapman, Chairman of the Elko County Board of Commissioners on April 21, 1993, also petitioning the Service to delist the Lahontan cutthroat trout within the Humboldt River drainage basin. The Service's policy on letters received subsequent to an original petition is to consider the information presented, even if one or more of these letters identifies itself as a petition. In that way, the Service evaluates the petitioned action in the most timely manner as the first letter accepted as a petition sets the statutory deadlines.

The petition, supporting letter, and other documentation were reviewed to determine if substantial information was provided to indicate that the requested action may be warranted. The petition and the supporting letter contained several assertions to support the petitioner's contention that the Humboldt River basin Lahontan Cutthroat Trout was no longer in need of protection provided by the Act.

As evidence that this species should be removed from the threatened species list, the petitioner referenced the existence of management plans from the Nevada Department of Wildlife (Nevada Dept. of Wildlife 1990, Coffin 1982), the U.S. Bureau of Land Management (1992, 1993), and the U.S. Forest Service, and a letter written by the Forest Service in 1986 that suggested that these management plans and the draft Recovery Plan contained enough data and information to meet the objectives for delisting this species. The Service acknowledges the existence of these plans; however, full implementation of these plans has not occurred. Furthermore, the Lahontan cutthroat trout populations and habitat quality in the Humboldt River basin continue to decline (French 1993).

A species may be delisted if it has recovered to the point that the Act's protection is no longer needed (50 CFR 424.11(d)(2)). Before delisting may occur, the Service must determine that the species does not meet the definition of endangered or threatened due to one or more of the five factors described in section 4(a)(1) of the Act. A threatened species is any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Neither the petition nor the supporting letter provided substantial information that

the Lahontan cutthroat trout within the Humboldt River drainage basin no longer meets the definition of threatened or that recovery has been achieved. This finding is based on the information contained in the petition, the supporting letter, and information otherwise available to the Service.

#### References

- Bureau of Land Management. 1992. Results of the 1991 stream survey, Elko Bureau of Land Management—Elko Resource Area. Unpubl. rept. Bureau of Land Management, Elko, Nevada. 5 pp.
- Bureau of Land Management. 1993. 1992 stream survey summary—Elko District, Wells Resource Area. Unpubl. rept. Bureau of Land Management, Elko, Nevada. 3 pp.
- Coffin, P.D. 1982. Lahontan cutthroat trout fishery management plan for the Humboldt River basin. Federal Aid to Fish Restoration project report F-20-17, Study IX, Job No. 1-P-1. Nevada Department of Wildlife, Reno, Nevada. 33 pp.
- French, Jim. 1993. 1992 cutthroat trout summary report. Unpubl. rept., Nevada Department of Wildlife. 2 pp.
- Nevada Department of Wildlife. 1990. Endemic Gamefish Management, Lahontan Cutthroat Trout. Federal Aid Job Progress Report F-20-26. Nevada Department of Wildlife, Reno, Nevada. 4 pp.

#### Author

This document was prepared by Patrick Coffin of the Reno Field Office (see ADDRESSES section).

#### Authority:

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: May 24, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 94-13282 Filed 5-31-94; 8:45 am]

BILLING CODE 4310-65-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 642

[Docket No. 940553-4153; I.D. 050394A]

RIN 0648-AE98

### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

**SUMMARY:** NMFS issues this proposed rule to implement Amendment 7 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). Amendment 7 would divide the eastern zone commercial quota for the Gulf migratory group of king mackerel into equal quotas for the Florida east and west coast fisheries, further divide the quota for the west coast sub-zone into equal quotas for hook-and-line and run-around gillnet harvesters, and allow persons to fish under the gillnet quota in the west coast sub-zone only aboard vessels that have endorsements on their Federal commercial mackerel permits to fish with gillnets in that sub-zone. The intended effect of this rule is to equitably allocate the eastern zone commercial quota among users and avoid the negative social and economic emergencies related to a recent, disproportionately large, west coast harvest in the commercial fishery for Gulf group king mackerel off Florida.

**DATES:** Written comments must be received on or before July 11, 1994.

**ADDRESSES:** Comments on the proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702.

Requests for copies of Amendment 7, which includes a regulatory impact review/initial regulatory flexibility analysis (IRFA) and an environmental assessment should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, suite 331, Tampa, FL 33609-2486, FAX 813-225-7015, or to the South Atlantic Fishery Management Council, Southpark Building, One Southpark Circle, suite 306, Charleston, SC 29407-4699, FAX 803-769-4520.

Comments regarding the collection-of-information requirement contained in this proposed rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702 and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (Attention: NOAA Desk Officer).

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-893-3161.

**SUPPLEMENTARY INFORMATION:** The fishery for coastal migratory pelagic resources (king mackerel, Spanish mackerel, cero, cobia, little tunny, dolphin, and, in the Gulf of Mexico only, bluefish) is managed under the FMP. The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented through regulations at 50 CFR part 642 under the authority of the Magnuson Fishery

Conservation and Management Act (Magnuson Act).

#### Background

During the previous fishing year (July 1, 1992, through June 30, 1993), the commercial quota for king mackerel from the eastern zone of the Gulf of Mexico migratory group was reached, and the fishery was closed. On January 13, 1993, before fishermen on the east coast of Florida could harvest an equitable share. The record low catch of the east coast king mackerel fishery constituted social and economic emergencies. Accordingly, by emergency interim rule (58 FR 10990, February 23, 1993), the commercial king mackerel fishery in the exclusive economic zone (EEZ) off the east coast of Florida was reopened from February 18 through March 26, 1993, under a possession limit of 25 fish per vessel per day.

To avoid a similar, disproportionately large harvest on Florida's west coast during the 1993/94 fishing year and to allow sufficient time for the Councils to develop more permanent remedial action, the eastern zone commercial quota for the Gulf migratory group of king mackerel was divided into equal quotas for the Florida east and west coast sub-zones by an emergency interim rule (58 FR 51789, October 5, 1993). Additional regulations, which established daily vessel trip limits in each of the sub-zones, were implemented under the framework procedure for adjusting FMP management measures (58 FR 58509, November 2, 1993). The daily vessel trip limits were intended to reduce daily catches, thus preventing market gluts, extending the harvest season, and reducing the likelihood of exceeding king mackerel quotas.

#### Amendment 7

Amendment 7 proposes to: (1) Continue in effect the division of the eastern zone commercial quota for Gulf migratory group king mackerel into equal quotas for the Florida east and west coast sub-zones that were established in the emergency interim rule of October 5, 1993; (2) divide the Florida west coast sub-zone quota equally between the hook-and-line and run-around gillnet harvesters; and (3) allow persons to fish under the gillnet quota in the Florida west coast sub-zone only aboard vessels that have endorsements on their Federal commercial mackerel permits to fish with gillnets in that sub-zone.

Rationale supporting the division of the eastern zone commercial quota for the Gulf migratory group of king